



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> February 3, 2006	<b>CONTACT/PHONE</b> Michael Conger (805) 781-5136	<b>APPLICANT</b> Carol Anne Doty Donald Halsey	<b>FILE NO.</b> COAL 05-0283 SUB2005-00049
<b>SUBJECT</b> Request by Carol Anne Doty and Donald Halsey for a Lot Line Adjustment (COAL 05-0283) to adjust the lines between two parcels of 5.3 acres and 1.5 acres each. The adjustment will result in two lots of 5.3 acres and 1.5 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Suburban land use category and is located at 2829-2875 Kip Lane and 942 Mesa View Drive (Highway 1), in the village of Palo Mesa. The site is in the South County (Inland) planning area.			
<b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 05-0283 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 5 Categorical Exemption was issued on January 4, 2006 (ED 05-275).			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 075-281-028, 029	<b>SUPERVISOR DISTRICT(S)</b> 4
<b>PLANNING AREA STANDARDS:</b> Edge of Nipomo Mesa – Setbacks			
<b>LAND USE ORDINANCE STANDARDS:</b> Residential Density, Setbacks			
<b>EXISTING USES:</b> Single Family Residences			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Suburban / scattered residences <i>East:</i> Residential Suburban / scattered residences <i>South:</i> Residential Suburban / scattered residences <i>West:</i> Agriculture / UPRR, Irrigated Row Crops			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Nipomo Community Advisory Council, Public Works, Cal Trans			
<b>TOPOGRAPHY:</b> Gently sloping to steeply sloping (Nipomo Mesa bluff)		<b>VEGETATION:</b> Ornamentals, eucalypti	
<b>PROPOSED SERVICES:</b> Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire		<b>ACCEPTANCE DATE:</b> December 29, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

PARCEL	EXISTING PARCEL SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
Parcel C (Halsey)	1.5	1.5
Parcel B (Doty)	5.3	5.3

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to enable more efficient use of the land. Under this proposal, a portion of the Parcel B that is currently unused would be reallocated to Parcel C for use as a garden or to create area to allow a future addition to the residence. To create an equal adjustment, the applicant proposes to reallocate an equal portion of Parcel C to Parcel B. The applicant's statement of reason for the lot line adjustment is attached to this report.

SB 497:

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation.

Parcel C is below minimum parcel size and will remain so after the adjustment. Parcel B, as adjusted, is consistent with the minimum parcel size, as set through the General Plan. Staff has concluded that the Lot Line Adjustment, as conditioned, is consistent with both state and local law.

ISSUES:

Residential Density

In order to determine the Lot Line Adjustment is consistent with both state and local law, the parcels as adjusted cannot provide for density that would exceed what is allowed in the land use category. Should this occur, the adjustment shall be conditioned so that density is brought into conformance, or the units are removed prior to effectuating the Lot Line Adjustment.

Five residential units (four permanent residences, one mobile home) currently exist on Parcel B of the proposed lot line adjustment. The residential density standards for the Residential Suburban land use category allows one primary unit and one secondary unit (in compliance with the secondary unit standards) on the parcel. Parcel B exceeds the maximum number of units by three.

A permit history inquiry returned no building permits for the construction/installation of any residential units on Parcel B. The applicant has provided assessor's records (attached) indicating that at least three of these units existed on the site prior to construction permit requirements. Additionally, the applicant has provided an aerial photograph taken on July 12, 1960 (attached) that shows four of the five residential units existing on the site. While this evidence may establish legal nonconformity for four of the five units on Parcel B, the Real Property Division Ordinance (§21.02.030.c) requires staff to evaluate the proposal based on the current standards of the zoning and building ordinances. Absent this Lot Line Adjustment request, the legal nonconforming structures could remain.

To remedy this situation, the Lot Line Adjustment is conditioned to require the applicant to remove or demolish three residential units on Parcel B prior to effectuation of the Lot Line Adjustment by final map or certificates of compliance. Additionally, the applicant must demonstrate that the secondary unit meets the special use standards for secondary units.

#### Setbacks

In order to determine that the Lot Line Adjustment is consistent with both state and local law the existing development on the site must meet setback requirements. If the site development does not meet setback requirements, encroachments shall be brought into conformance with the ordinance or removed prior to effectuating the lot line adjustment.

General property development standards require a 30-foot side setback for sites of more than one net acre within a village reserve line. The residence on Parcel C and four of the five residential structures on Parcel B encroach within this setback. Planning area standards for the South County area require a 50-foot setback from the top of the bluff for projects along the edge of the Nipomo Mesa. The residence on Parcel C and two of the five residential structures on Parcel B encroach within this setback. The encroaching structures are identified in the attached exhibit labeled "Setback Encroachments."

The Land Use Ordinance provides remedies for both the side setback and blufftop setback requirements. For side setbacks, the fire inspection authority (CDF/County Fire) may grant an adjustment based on the standards of Section 22.54.020.F of the Land Use Ordinance. To adjust the blufftop setback, the applicant may apply for a Minor Use Permit. Due to the circumstances of the proposed Lot Line Adjustment, the setback adjustments and/or Minor Use Permit have not been processed concurrently with this project. The project has been conditioned to resolve the encroachment by removal or by bringing the encroaching structures into conformance with the ordinance.

#### Parcel Closure

Through review of the tentative lot line adjustment, a mapping error was identified. The Pacific Eucalyptus Tract, recorded in 1911, provided a bearing with no measurement for a line segment marking one of the external boundaries of Parcel B. This error, which causes a gap in the parcel lines and prevents the parcel from closing, was carried over in the Final Map recorded for a previous Lot Line Adjustment. The County Surveyor has indicated that this error will be rectified during the effectuation process.

COMMUNITY ADVISORY COUNCIL COMMENTS:

The Nipomo Community Advisory Council (NCAC) recommended approval of this project, with conditions that the lots be brought into conformity, at the November 28, 2005 meeting.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map (COAL 83-028), recorded in Book 36 Page 35 of Parcel Maps.

Staff report prepared by Michael Conger and reviewed by Kami Griffin.

**FINDINGS - EXHIBIT A**

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed adjustment, as conditioned, conforms to the County's General Plan and the zoning and building ordinances, and the proposed configuration results in a situation that is better than or equal to the existing configuration.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the proposed project is a minor alteration of land limitations not resulting in the creation of new lots, in an area of with an average slope of less than 20 percent.

**CONDITIONS - EXHIBIT B**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. Prior to the effectuation of the Lot Line Adjustment, the residential density on Parcel B shall be brought into conformance with the Land Use Ordinance, as follows:
  - a. The number of residential units on Parcel B shall be reduced to two: one primary and one secondary dwelling unit.

- b. Three of the existing five residential units on Parcel B shall be removed, demolished, or converted to an accessory use in compliance with the Land Use Ordinance.
- 11. Prior to the effectuation of the Lot Line Adjustment, if a secondary unit remains on Parcel B, the applicant shall provide evidence to the County Planning and Building Department that the secondary unit conforms to the requirements of Section 22.30.470 of the Land Use Ordinance.
- 12. Prior to the effectuation of the Lot Line Adjustment, all structures or portions thereof that encroach into required setbacks, including the 50-foot blufftop setback, shall be brought into conformance with the Land Use Ordinance, or removed/demolished.
- 13. Demolition permits may be required for demolition of structures. If necessary, such permits shall be acquired prior to effectuation of the Lot Line Adjustment.
- 14. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded to provide access to Parcel C. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

This site plan illustrates the proposed layout for a residential development on Parcel B, which is a 36 PM 55 APM 075-281-023 Card Arms Dory. The plan includes the following details:

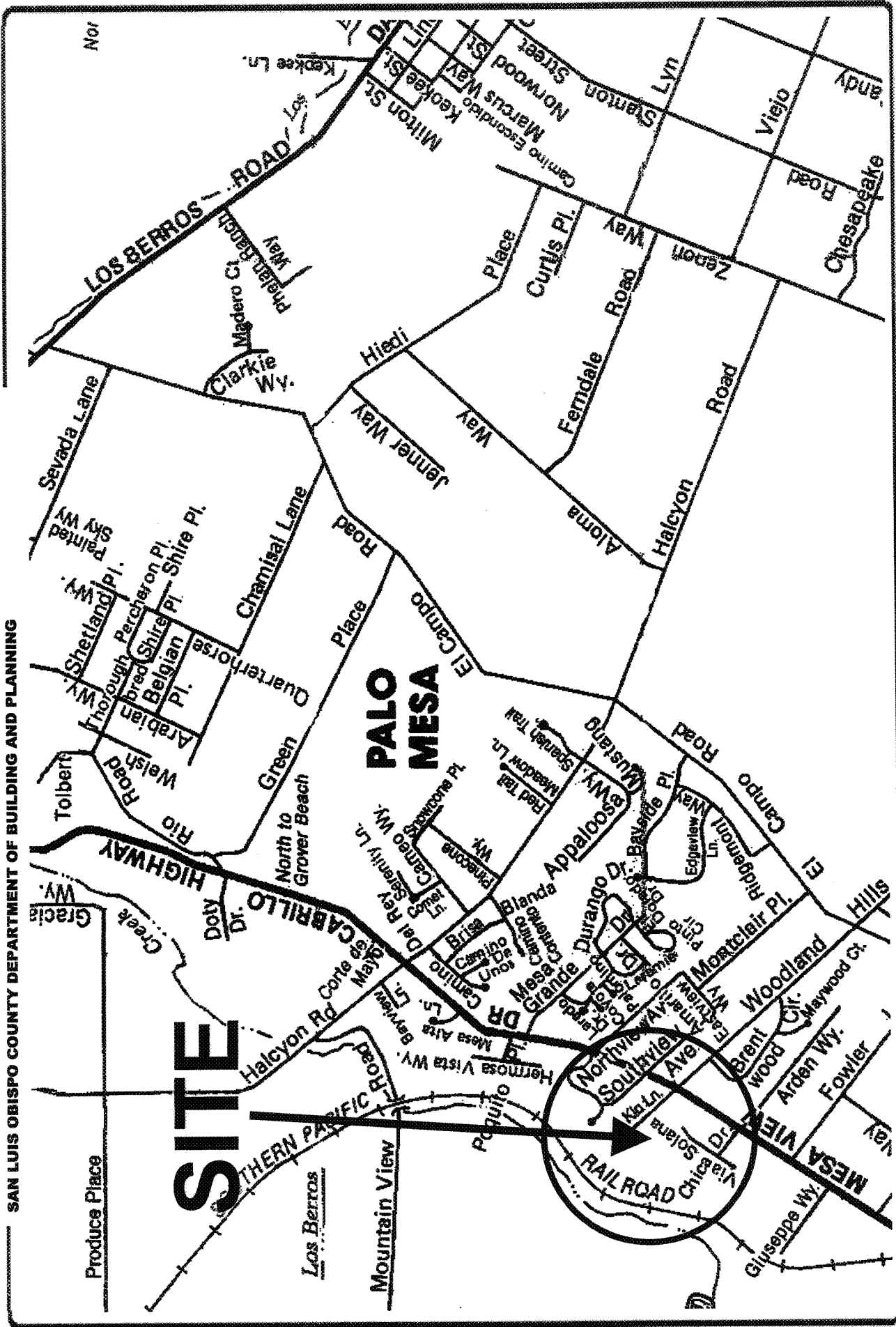
- Proposed Buildings:** Six buildings are shown as black silhouettes, numbered 1 through 6. Buildings 1, 2, and 3 are located in the lower-left area, while buildings 4, 5, and 6 are arranged in a row along the top-left boundary.
- Existing Structures:** Shaded rectangles represent existing buildings, including a 'Middle Home' and a 'Storage Shed & 1/2 foot wall'.
- Setbacks:** The plan is bounded by 'Side Setback' lines on the top and bottom, and a 'Front Setback' line on the left. A 'Top of Slope' line is also indicated.
- Infrastructure:** Features include a 'Water Holding Tank', 'Water Pumps', 'Shed', 'Tree Port', 'Well Head', 'Electrical Panel', 'AC Driveway', and 'Garage Driveway and Curb'.
- Topography:** Contour lines are drawn across the site to show the terrain's elevation.
- Adjacent Properties:** To the right of Parcel B is 'Parcel C', owned by 'Dr. Donald Halley' (APN 075-281-024). To the left is 'Parcel A' (APN 075-281-022).
- Scale and Orientation:** A scale bar at the bottom right indicates distances from 0 to 100 feet. A north arrow is located in the upper right corner.

Lot Line Adjustment  
Doty SUB2005-00049

## Setback Encroachments







PROJECT

Lot Line Adjustment  
Doty SUB2005-00049

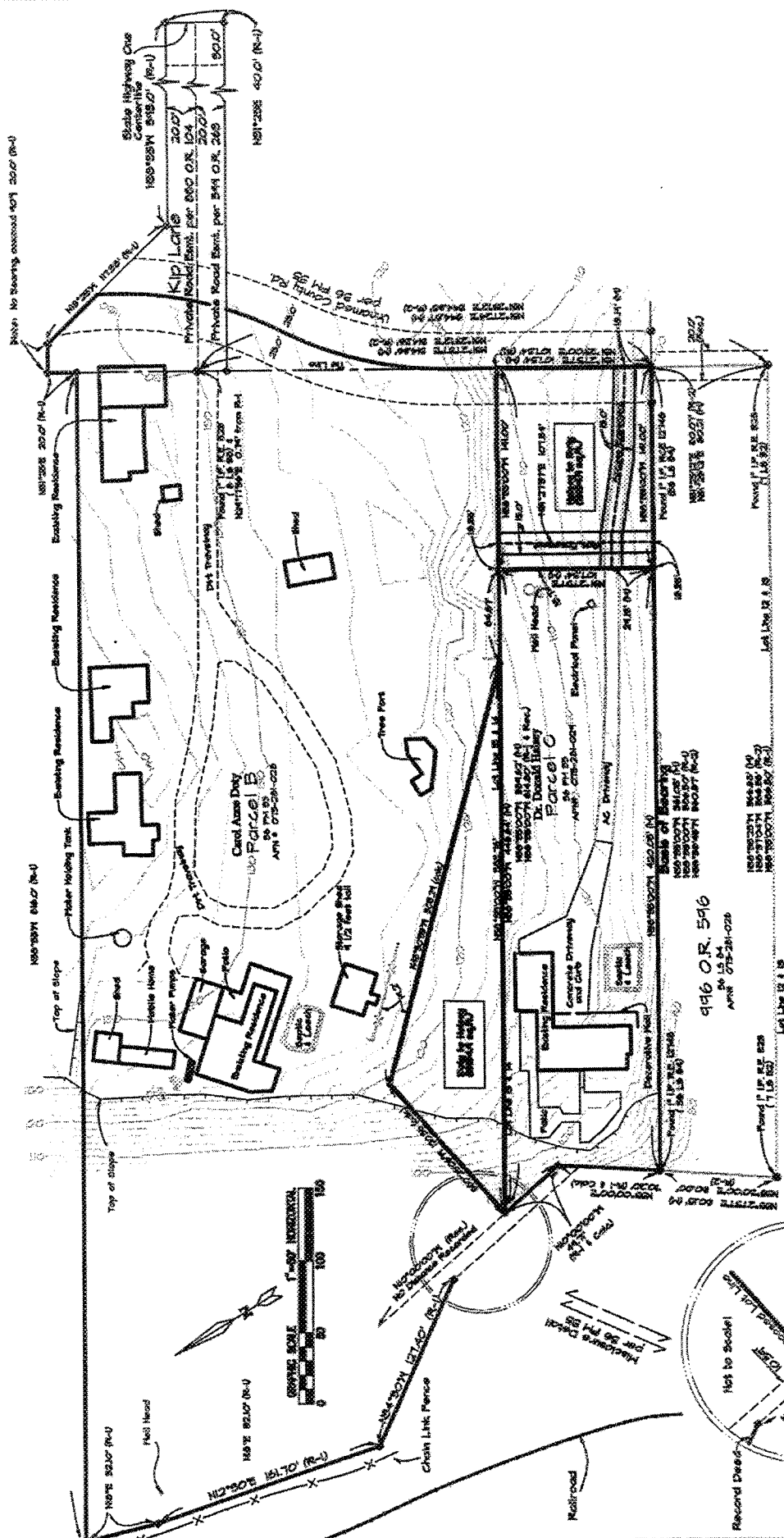
EXHIBIT

Palo Mesa Vicinity

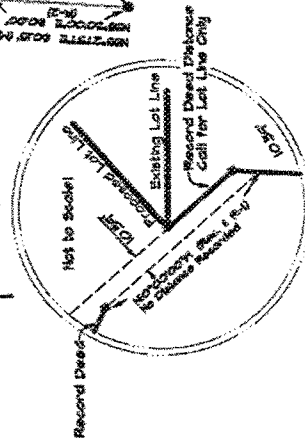




**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



496 O.R. 596  
26 15 84  
A958 075-281-026



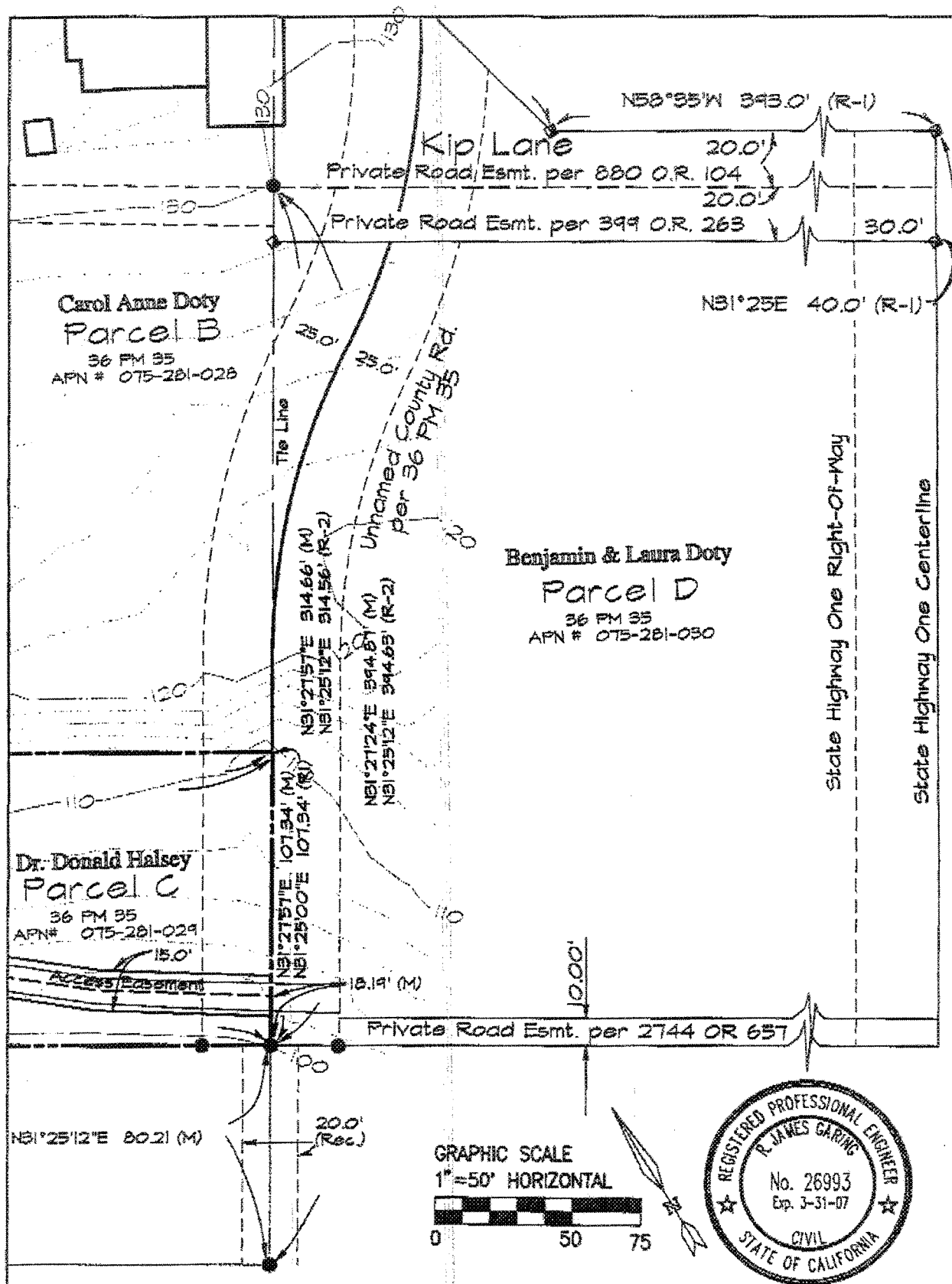
# PROJECT

Lot Line Adjustment  
Doty SUB2005-00049

# EXHIBIT

# Site Plan





## THE EXHIBIT

Road Access from Hwy 1 to Parcel C



# PROJECT

Lot Line Adjustment  
Doty SUB2005-00049



**PROJECT**

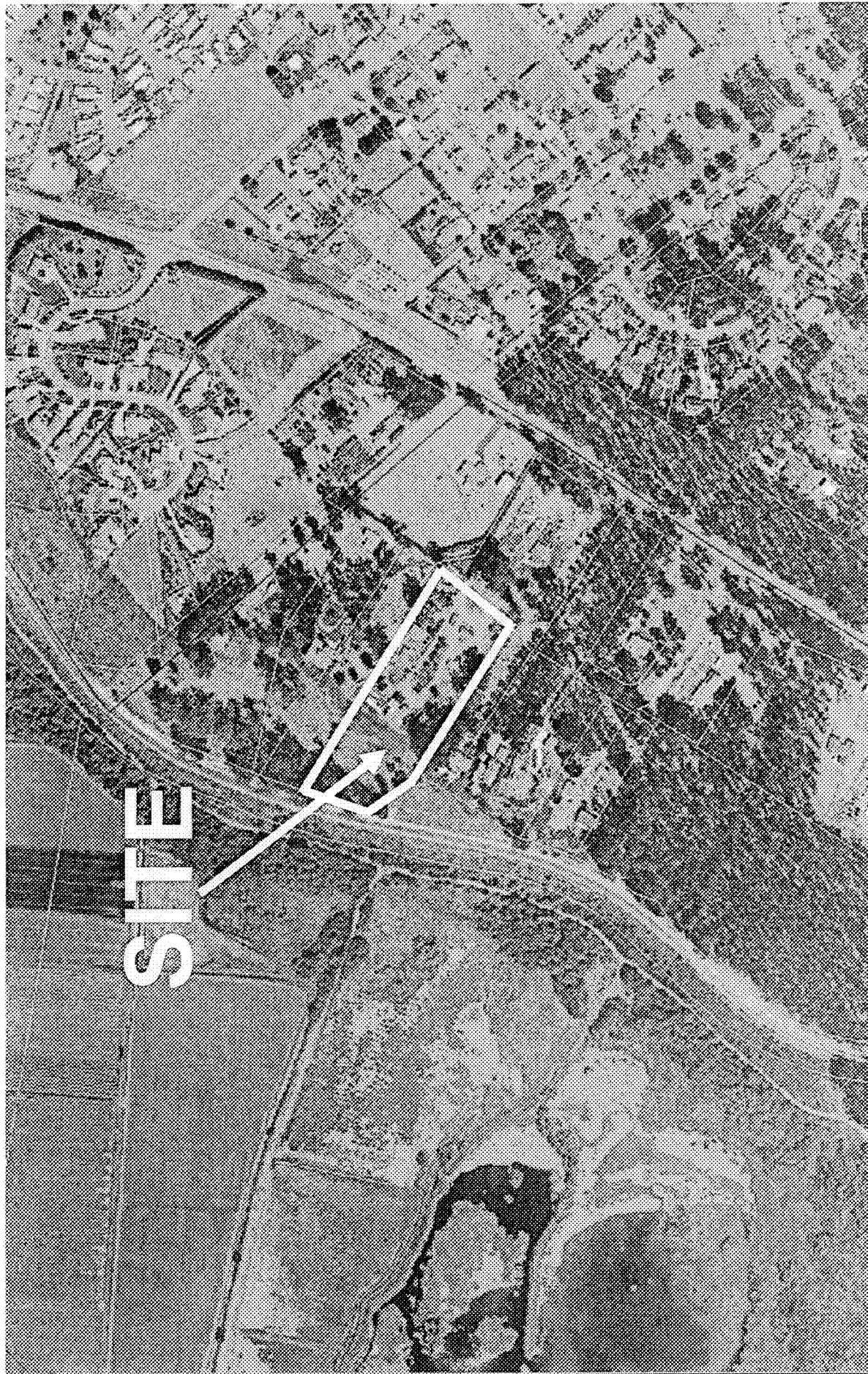
Lot Line Adjustment  
Doly SUB2005-00049



**EXHIBIT**

1960 Aerial Photo -- UCSB Map & Imagery Lab





SITE

PROJECT

Lot Line Adjustment  
Doty SUB2005-00049

EXHIBIT

Aerial Photo



25428 PARCEL 5-281-00 4748 SHEET 1 OF 45 SHEETS

25428 PARCEL 5.281-00 4968 SHEET 1 OF 25 SHEETS

[illegible][illegible]

**PROJECT** Lot Line Adjustment  
Doty SUB2005-00049

DEPT. OF HEALTH & HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
RESIDENTIAL BUILDING RECORD

JOSEPH RAYMOND A  
ADDRESS R 2  
BAYBO 5 D. SHEET 2 OF 45 SHEETS

# COMPUTATION

Appraiser & Date		RN 4-25-60		RN 8-10-60		RB 11-23-64		MM 8-66		05-2-4-70			
Unit	Area	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
980	274	6.50	4576	7.10	4998	8.10	5702	7.30	7154	7.38	7332		
344	116	4.92	755	5.33	821	6.08	936	5.48	844	7.38	856		
200	154												
PCN 312	70	3.30	231	3.55	249	4.05	284	5.48	884	5.64	388		
PCN 74	102	1.60	163	1.78	182	2.03	207	1.83	187	2.25	230		
PCN 1/2	94							3.65	343	3.69	347		
CP	268							1.25	335	1.25	235		
FP									450		450		

### Assessor's Records (2 of 3)



PARCEL 25-281-364-28  
SHEET 3 OF 25 SHEETS

502000 S.D.

BUILDING RECORD  
ADDRESS R-3

RESIDENTIAL

[illegible]

**PROJECT**

Lot Line Adjustment  
Doty SUB2005-00049

**EXHIBIT**

Assessor's Records (3 of 3)



Reason for lot line adjustment:

Both parties involved in this request for lot line adjustment believe that the changes proposed in this application would enable better use of the land by each property owner.

The Doty property, Parcel B, is generally flat except for an area on the southern boundary and western half of the property. This area is downgrade, unused, unlandscaped, and essentially out of site of the remainder of the property. The Halsey property, Parcel C, has a property line only 8 feet from this unused area. They want this property in order to get better access to the house and in which to develop gardens to enhance the area.

The Halsey property has an area on its eastern end that is level, unused by them, contiguous to the Doty property, and to her son's property on the east, and could be well utilized by that family. This lot line adjustment would benefit both parties and is the desire of both property owners.

Incorporation committee, Mike Eisner-25 people are attending meetings to discuss Nipomo's incorporation. The next meeting will be in January. The committee returned \$183 to the NCAC treasury. Mike asked that the money be held in a suspended fund for the future needs of the Incorporation committee.

Motion by Rick Dean and seconded by Bonnie Eisner to accept the money and place it in a suspended fund. Motion passed unanimously.

**SLO County Sheriff, Commander Basti:** The Senior Center parking issues have been resolved. The Department's spike strip was used in Nipomo. The commander noted that the Sheriff would be participating in the Avoid the 13 program during the holiday season.

**CDF, Captain Anderson-**Two new medics have been added to the area. He reminded us that Christmas trees need to be watered regularly to avoid fires.

**SLO County Environmental Department, John McKenzie-**He presented the South County Air Quality Mitigation Program's annual and 5-year report. The report recommended an increase in the impact fees.

**SLO County Public Works, Dale Ramey-**Presented the South County Circulation Study Update/Road improvement Fee Increase.

Motion by Dan Woodson and seconded by Harry Walls to approve new road improvement fees as proposed by the County with the understanding that these fees are interim fees and they will be modified upon acceptance of the South County Traffic Model Update.

Yes 10 No 0 Abstain 1

**SLO County Planning, Brian Pedrotti-**Presented upcoming land use applications.

Motion by Rick Dean and seconded by Bonnie Eisner to have a town hall meeting to discuss the 5 year traffic circulation report and Omni Means report.

Motion passed Yes 11 No 1

#### **Public Comment**

none

#### **Consent Agenda**

**Doty / SUB2005-00049:** Equal lot line adjustment (Properties are on the bluff near Mesa View Dr and Kip Lane). Doty parcel exceeds allowable number of dwelling units. Lot line adjustment will have a condition for the lot to be brought into conformance. **Land Use recommends approval of this project**

**Goularte/DRC 2005-00075:** MUP for site disturbance greater than one acre, located at 106,108,110,112 Branch St; clearing lots to build four 1897 sq ft homes / **Land Use recommends approval of this project**

Motion by Bonnie Eisner and seconded by Jim Harrison to accept the Consent Agenda.

Motion passed Yes 9 No 0 Abstain 2

\*



Reason for lot line adjustment:

In April, 2005, Carol Anne Doty and I agreed to exchange some property on our adjacent lots. After checking with the planning department we were led to believe that; since the exchange is between two consenting property owners who are trading equal amounts of property, with no structures involved, we would be dealing with a "simple lot line adjustment."

As the owner of property C this exchange will afford better access to the North side of my house. It will also allow for a planned expansion and remodeling of our kitchen. This would not be possible without the property exchange because, according to our survey, the north property line of parcel C lies only 8 feet from my house.

The new finding of only an 8 foot distance between home and property line means my lot, Parcel C, is nonconforming to current setback requirements. Exchanging the property would correct this problem and bring parcel C into compliance.

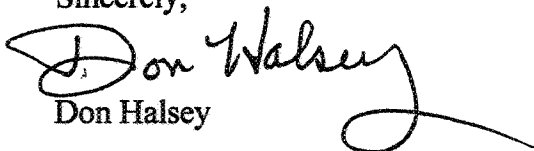
By shortening and widening my lot with this exchange, I have a better shaped parcel with more useable space adjacent to my house. Currently I have little use for the property at the east end of my parcel since it is over a hundred yards from the house.

Ms Doty has been a good neighbor in agreeing to this exchange of property which mostly benefits me and is essentially neutral for her. Her only concern is keeping the approximate current size of her parcel B. The property she would acquire from me is contiguous to hers, and also adjacent to her son's property, which is on my eastern border. This would allow use by both parties and would fit into a plan for possible sub division of the larger parcels sometime in the future.

I appeared before the Nipomo Citizen's Advisory Committee, as required by your process, to explain the specifics of our property exchange. They understood that this is a reasonable thing to do and gave it there unanimous approval.

It seems to me that your involvement should be to help facilitate the process of this exchange.

Sincerely,

  
Don Halsey

RECEIVED

DEC 05 2005

Planning & Bldg